

ORIGINAL

UNITED STATES COURTS
DISTRICT OF IDAHO

DEC - 8 2003

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Casualty Company and CNA Group
Life Assurance Company

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

CHRIS J. DENNISON,

Plaintiff,

vs.

CONTINENTAL CASUALTY COMPANY,
an Illinois corporation; CNA GROUP LIFE
ASSURANCE COMPANY, a wholly owned
subsidiary of Continental Casualty Company,
RURAL TELEPHONE COMPANY, an
Idaho Corporation,

Defendants.

Case No. CIV-02-507-S-LMB

DEFENDANT CNA'S MOTION
TO SUSPEND EXPERT DESIGNATION DEADLINE

COMES NOW, Defendant CNA, by and through its attorney of record, and hereby moves this Court for an order suspending the deadline in which Defendants must designate expert witnesses. The basis of this motion is as follows:

1. The Court has previously issued a scheduling order, specifying that Defendants

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must designate expert witnesses on or before December 5, 2003;

2. It is Defendant CNA's position, as set forth in their Motion for Protective Order, that the Court's review in this case is limited to the administrative record;

3. Plaintiffs have disagreed with this position, and have requested that discovery be undertaken, in particular, deposition of employees of CNA;

4. In response, Defendant CNA has filed a Motion for Protective Order, which motion is still pending before the Court;

5. The parties are waiting to hear from the Court whether it is going to request oral argument, or whether it will rule on the motion as it has been briefed;

6. As a result, discovery has been stalled, and the parties are awaiting a decision by the Court whether any discovery will be allowed;

7. Due to this, Defendant CNA is not in the position to determine whether expert opinions will even be admissible much less the scope and content of evidence the Court will consider outside the administrative record, if any;

8. As the case now stands, it is premature for Defendant CNA to determine the identity of expert witnesses, and the scope of their testimony that would be admissible.

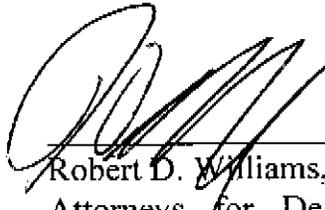
PRAYER FOR RELIEF

WHEREFORE, Defendant CNA respectfully request this Court suspend the deadline upon which Defendants must designate expert witnesses until such sufficient time after the Court determines the pending Motion for Protective Order, and for such further and additional relief as the Court deems appropriate under the circumstances.

DATED this 5th day of December, 2003.

QUANE SMITH LLP

By:


Robert D. Williams, of the Firm
Attorneys for Defendants Continental
Casualty Company and CNA Life Assur-
ance Company

CERTIFICATE OF SERVICE

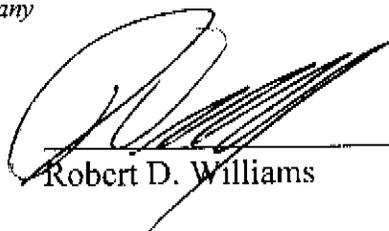
I HEREBY CERTIFY that on this 5th day of December, 2003, I served a true and correct copy of the foregoing DEFENDANT CNA'S MOTION TO SUSPEND EXPERT DESIGNATION DEADLINE by:

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